

Amendment No. 1 to SB1277

Kelsey  
Signature of Sponsor

**AMEND Senate Bill No. 1277**

**House Bill No. 400\***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 40-17-105, is amended by designating the existing language as subsection (a) and by adding the following new subsections:

(b) When the trial judge determines that a witness is unavailable under the rules of evidence, or the witness is deployed pursuant to orders of the governor of this state or of the president of the United States, the testimony of the witness may be presented in court using live-transmitted testimony in lieu of the personal appearance of the witness. The trial judge may authorize the use of the procedure, provided that the judge shall make specific findings as follows:

(1)

(A) That the witness is unavailable under the rules of evidence; or

(B) That the witness has been deployed as the result of orders issued by the governor of this state or the president of the United States and is not subject to the subpoena powers of the court;

(2) That the witness is under oath and is competent to testify;

(3) That the testimony can be transmitted at a hearing or trial so that the judge and jury can sufficiently observe the witness during the testimony;

(4) That the testimony can be transmitted so that the witness and the accused can view each other during the testimony;

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(5) That the video transmission allows for a full and fair opportunity for cross-examination; and

(6) Any other factor that the trial judge determines is relevant to ensure the provisions of subsection (a) are satisfied.

SECTION 2. This act shall take effect July 1, 2015, the public welfare requiring it.